

JFZ

BBM-116US

PATENT



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appln. No: 10/832,928  
Applicant: Brian E. Dalton  
Filed: April 27, 2004  
Title: SPINAL STABILIZATION IMPLANT AND METHOD OF APPLICATION  
T.C./A.U.: 3732  
Examiner:

**Continuation-In-Part of:**

Appln. No: 10/615,196  
Applicant: Brian E. Dalton  
Filed: July 7, 2003  
Title: SPINAL STABILIZATION IMPLANT AND METHOD OF APPLICATION  
T.C./A.U.: 3731  
Examiner: Daniel J. Davis

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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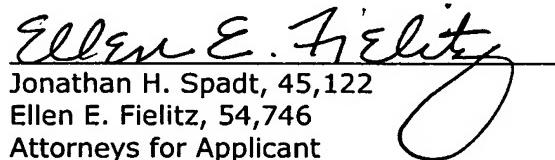
Pursuant to 37 C.F.R. §§ 1.97 and 1.98 and to the duty of disclosure set forth in 37 C.F.R. § 1.56, the Examiner in charge of the above-identified application is requested to consider and make of record the references listed on the PTO 1449 submitted herewith. A copy of the references listed on the 1449 form is not required to be enclosed.

Although the information submitted herewith may be "material" to the Examiner's consideration of the subject application, this submission is not intended to constitute an admission that such information is "prior art" as to the claimed invention.

In accordance with 37 C.F.R. § 1.97(g), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made.

This Supplemental Information Disclosure Statement is being filed within three months of the filing date of the above-referenced application or before mailing of the first Official Action. No first Official Action has yet been received and it is presumed that none has yet been mailed. No fee or statement is required. 37 C.F.R. § 1.97(b).

Respectfully submitted,

  
Jonathan H. Spadt, 45,122  
Ellen E. Fielitz, 54,746  
Attorneys for Applicant

JHS/EEF/krh

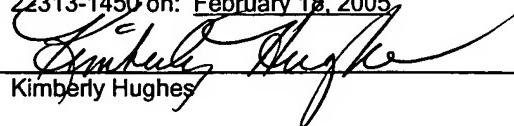
Enclosures: PTO Form 1449  
Transmittal Form

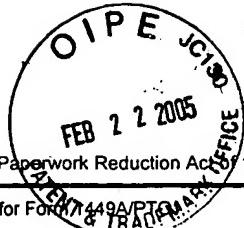
Dated: February 18, 2005

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PTO/SB/08a (08-03) (AW 10/2003)

Approved for use through 7/31/2006. OMB 0651-0031  
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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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### Complete if Known

Application Number	10/832,928
Filing Date	April 27, 2004
First Named Inventor	Brian E. Dalton
Art Unit	3732
Examiner Name	

SHEET 1 of 2 Attorney Docket No. BBM-116US

### U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date (MM-DD-YYYY)	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
	16	US-4,463,753	08-07-1984	Gustilo	
	17	US-4,484,570	11-27-1984	Sutter et al.	
	18	US-5,147,363	09-15-1992	Härtle	
	19	US-5,520,690	05-28-1996	Errico et al.	
	20	US-5,531,746	07-02-1996	Errico et al.	
	21	US-5,607,426	03-04-1997	Ralph et al.	
	22	US-5,669,911	09-23-1997	Errico et al.	
	23	US-5,735,853	04-07-1998	Olerud	
	24	US-5,749,916	05-12-1998	Richelsoph	
	25	US-5,797,911	08-25-1998	Sherman et al.	
	26	US-5,863,293	01-26-1999	Richelsoph	
	27	US-5,876,402	03-02-1999	Errico et al.	
	28	US-5,879,350	03-09-1999	Sherman et al.	
	29	US-5,885,286	03-23-1999	Sherman et al.	
	30	US-5,954,635	09-21-1999	Foley et al.	
	31	US-5,954,722	09-21-1999	Bono	
	32	US-5,964,760	10-12-1999	Richelsoph	
	33	US-5,976,187	11-02-1999	Richelsoph	
	34	US-6,030,389	02-29-2000	Wagner et al.	
	35	US-6,033,406	03-07-2000	Mathews	
	36	US-6,053,917	04-25-2000	Sherman et al.	
	37	US-6,074,391	06-13-2000	Metz-Stavenhagen et al.	
	38	US-6,083,225	07-04-2000	Winslow et al.	
	39	US-6,096,038	08-01-2000	Michelson	
	40	US-6,132,432	10-17-2000	Richelsoph	
	41	US-6,146,386	11-14-2000	Blackman et al.	
	42	US-6,152,871	11-28-2000	Foley et al.	
	43	US-6,159,179	12-12-2000	Simonson	
	44	US-6,162,170	12-19-2000	Foley et al.	
	45	US-6,171,311 B1	01-09-2001	Richelsoph	
	46	US-6,197,033 B1	03-06-2001	Haid, Jr. et al.	
	47	US-6,200,322 B1	03-13-2001	Branch et al.	
	48	US-6,206,822 B1	03-27-2001	Foley et al.	
	49	US-6,217,509 B1	04-17-2001	Foley et al.	
	50	US-6,235,033 B1	05-22-2001	Brace et al.	
	51	US-6,261,291 B1	07-17-2001	Talaber et al.	
	52	US-6,280,442 B1	08-28-2001	Barker et al.	
	53	US-6,280,445 B1	08-28-2001	Morrison et al.	
	54	US-6,287,311 B1	09-11-2001	Sherman et al.	
	55	US-6,562,046 B2	10-04-2001	Sasso	
	56	US-6,299,616 B1	10-09-2001	Beger	
	57	US-6,328,740 B1	12-11-2001	Richelsoph	
	58	US-6,328,741 B1	12-11-2001	Richelsoph	
	59	US-6,331,179 B1	12-18-2001	Freid et al.	

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STATEMENT BY APPLICANT**

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SHEET 2 of 2

**Complete if Known**

Application Number	10/832,928
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First Named Inventor	Brian E. Dalton
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Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date (MM-DD-YYYY)	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
60	US-RE37,665 E	04-16-2002	Ralph et al.		
61	US-6,780,186 B2	04-18-2002	Errico et al.		
62	US-6,402,752 B2	06-11-2002	Schäffler-Wachter et al.		
63	US-6,712,819 B2	07-25-2002	Zucherman et al.		
64	US-6,428,542 B1	08-06-2002	Michelson		
65	US-6,451,021 B1	09-17-2002	Ralph et al.		
66	US-6,514,260 B1	02-04-2003	Zdeblick et al.		
67	US-6,520,907 B1	02-18-2003	Foley et al.		
68	US-6,527,776 B1	03-04-2003	Michelson		
69	US-6,533,786 B1	03-18-2003	Needham et al.		
70	US-6,780,185 B2	04-24-2003	Frei et al.		
71	US-6,565,565 B1	05-20-2003	Yuan et al.		
72	US-6,575,899 B1	06-10-2003	Foley et al.		
73	US-6,575,975 B2	06-10-2003	Brace et al.		
74	US-6,599,290 B2	07-29-2003	Bailey et al.		
75	US-6,602,255 B1	08-05-2003	Campbell et al.		
76	US-6,623,485 B2	09-23-2003	Doubler et al.		
77	US-6,695,846 B2	10-02-2003	Richelsoph et al.		
78	US-6,663,616 B1	12-16-2003	Roth et al.		
79	US-6,682,534 B2	01-27-2004	Patel et al.		
80	US-6,695,772 B1	02-24-2004	Bon et al.		
81	US-6,712,818 B1	03-30-2004	Michelson		
82	US-2001/0034521 A1	10-25-2001	Bailey et al.		
83	US-2002/0183754 A1	12-05-2002	Michelson		
84	US-2003/0073996 A1	04-17-2003	Doubler et al.		
85	US-2003/0149431 A1	08-07-2003	Varieur		
86	US-2003/0216735 A1	11-20-2003	Altarac et al.		
87	US-2004/0039384 A1	02-26-2004	Boehm, Jr. et al.		
88	US-2004/0127897 A1	07-01-2004	Freid et al.		
89	US-2004/0133207 A1	07-08-2004	Abdou		

Examiner Signature

Date Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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# TRANSMITTAL FORM

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Total Number of Pages in This Submission 5

Application Number	10/832,928
Filing Date	April 27, 2004
First Named Inventor	Brian E. Dalton
Art Unit	3732
Examiner Name	o
Attorney Docket No.	BBM-116US

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): PTO 1449 Form; and Return Receipt Postcard
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Firm Name	RatnerPrestia		
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